

Animal Services Procedure

Nuisance Barking

Fremont residents may contact Fremont Animal Services regarding nuisance-barking complaints against a neighbor. The applicable Fremont Municipal Code to deal with this nuisance is 3-5300.1, **Nuisance by Animals.** This procedure is to establish guidelines for enforcing this municipal code section.

- 1. Collect all the necessary information from the reporting party, including name, address, phone number, and specific times of the day or night that the dog is causing a nuisance. Notify the reporting party that we will be sending a Nuisance-Barking letter to the dog owner. This letter shall include possible problems, solutions and suggestions to correct such problems. The letter will also include a copy of Fremont Municipal Code Section 3-5300.1. Notify the reporting party that_complaints cannot be made anonymously and that the dog owner may and can obtain the reporting party's information, as it is public record. Advise the reporting party that he/she must wait 14 days before filing a second complaint.
- 2. A Nuisance Barking letter (Form #1629 attached) shall include possible problems, solutions and suggestions to correct such problems. The letter will also include a copy of Fremont Municipal Code Section 3-5300.1. Send the letter to the dog owner by mail. If there are other issues to address at the property, such as sanitary conditions or neglect, the letter can be hand delivered while addressing these issues.
- 3. Upon receipt of a second complaint, advise the reporting party that a Log and Petition (Form #1003 attached) will be sent to him/her. This packet includes a request of exact dates and times of the nuisance and a description of the nuisance (i.e., bark, howl, whine, and yip). It also includes a section for neighbors to sign a petition, under penalty of perjury, agreeing with the reporting party's claim. Ask that the nuisance barking be documented for no less than 14 days from the day received and then be returned. Notify the reporting party that a violation warning for Fremont Municipal Code Section 3-5300.1 will be sent to the dog owner.
- 4. Upon receipt of the completed log and petition, it shall be reviewed by an Animal Services Officer to determine what action shall be taken, including but not limited to issuing an A.R.O. citation for FMC 3-5301.1, or contacting the dog owner to educate the owner to resolve the problem. If the completed log and petition does not meet the criteria for a violation, the Animal Services Officer shall notify the reporting party. The officer will notify the dog owner of the possibility of

- citations to follow if the problem is not resolved. The Animal Services Officer shall notify the reporting party of what steps have been taken.
- 5. The signed log and petition may be used as a witness statement, allowing the officer to use his/her discretion whether or not to issue A.R.O. citations for violation of FMC 3-5301.1. It is recommended to notify the animal owner that this is taking place, and that citations ranging from \$60 to \$300 for violations of FMC 3-5301.1 may be issued in the future. The log and petition packets are to be accepted by the officer no more than every two weeks to be used as a witness statement. If the dog owner wishes to dispute any citation, they are to be directed to read the back of the citation for instructions.
- 6. It is recommended to offer any suggestions to either party that may assist in solving the problem. If the problem persists, the enforcing officer shall use his/her discretion whether or not to issue a "Notice to Appear" citation and take the issue before a Muncipal Court.